

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 702

Introduced by Senator Lieu

February 18, 2011

~~An act to amend Section 50.7 of the Labor Code, relating to the Department of Industrial Relations. An act to amend Section 31253 of the Food and Agricultural Code, relating to dog licensing.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 702, as amended, Lieu. ~~Department of Industrial Relations: occupational safety and health standards. Dog licensing: microchip implants.~~

Existing law requires that dogs that attain the age of 4 months be licensed and wear a collar to which an identification or license tag is attached. A dog that is found running at large without the identification tag or dog license tag may be seized and impounded by any peace officer. Existing law requires the owner of the dog that has been impounded to pay a fee to reclaim the dog. A violation of these provisions is either an infraction or a misdemeanor, as specified.

This bill would additionally require an owner who seeks to reclaim a dog that has been impounded to provide proof of a current, valid license for the dog. The bill would also authorize the entity that has custody of the dog to implant the dog with a microchip identifying the owner of the dog or require the owner to take that action within 30 days of reclaiming the dog. Because a violation of this provision would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Proposition 97, an initiative statute approved by the voters at the November 8, 1988, statewide general election, designates the Department of Industrial Relations as the state agency responsible for administering the state plan for the development and enforcement of occupational safety and health standards relating to issues covered by corresponding standards promulgated under the federal Occupational Safety and Health Act of 1970. Proposition 97 requires that the state plan be consistent with the provisions of state law governing occupational safety and health, as specified.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 31253 of the Food and Agricultural Code*
- 2 *is amended to read:*
- 3 31253. If a dog which has been impounded is claimed by the
- 4 owner,~~the~~ *all of the following shall apply:*
- 5 (a) *The fee for impounding and keeping the dog, as fixed by*
- 6 the board of supervisors, shall be paid by the owner to the person,
- 7 organization, or association which has custody of the dog, to be
- 8 retained by him, *her*, or them. No charge for fees pertaining to the
- 9 dog shall be paid by the board of supervisors.
- 10 (b) *The owner shall provide proof of a current, valid license for*
- 11 the dog.
- 12 (c) *One of the following shall occur:*
- 13 (1) *The entity that has custody of the dog may, before releasing*
- 14 the dog to the owner, implant that dog with a microchip that
- 15 identifies the owner of the dog. The owner shall pay the fee for the
- 16 implanted device, in addition to any other fee imposed for
- 17 redeeming the dog, except as otherwise expressly provided by the
- 18 board of supervisors.
- 19 (2) *The owner shall provide proof, within 30 days of the release*
- 20 of the dog to the custody of the owner, that the dog has been
- 21 implanted with a microchip that identifies the owner of the dog.

1 *SEC. 2. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Section 50.7 of the Labor Code is amended to~~
11 ~~read:~~

12 ~~50.7. (a) The department is the state agency designated to be~~
13 ~~responsible for administering the state plan for the development~~
14 ~~and enforcement of occupational safety and health standards~~
15 ~~relating to issues covered by corresponding standards promulgated~~
16 ~~under the federal Occupational Safety and Health Act of 1970~~
17 ~~(P.L. 91-596). The state plan shall be consistent with the provisions~~
18 ~~of state law governing occupational safety and health, including,~~
19 ~~but not limited to, Chapter 6 (commencing with Section 140),~~
20 ~~Chapter 6.5 (commencing with Section 148), and Division 5~~
21 ~~(commencing with Section 6300).~~

22 ~~(b) The budget and Budget Bill submitted pursuant to Section~~
23 ~~12 of Article IV of the California Constitution shall include in the~~
24 ~~item for the support of the department amounts sufficient to fully~~
25 ~~carry out the purposes and provisions of the state plan and this~~
26 ~~code in a manner which assures that the risk of industrial injury,~~
27 ~~exposure to toxic substances, illness and death to employees will~~
28 ~~be minimized.~~

29 ~~(c) Due to the availability of federal funds, the department shall~~
30 ~~seek the maximum amount of federal funding and, to the extent~~
31 ~~possible, shall use funds obtained from federal grants to pay the~~
32 ~~cost of administering the state plan.~~

33 ~~(d) The Governor and the department shall take all steps~~
34 ~~necessary to prevent withdrawal of approval for the state plan by~~
35 ~~the Federal government. If federal approval of the state plan has~~
36 ~~been withdrawn before passage of this initiative, or if it is~~
37 ~~withdrawn at any time after passage of this initiative, the Governor~~

- 1 ~~shall submit a new state plan immediately so that California shall~~
- 2 ~~be approved and shall continue to have access to federal funds.~~

O